

IN THE MATTER OF
THE APPLICATION OF
RICHARD J. ROMANO, ET UX
FOR A VARIANCE ON PROPERTY
LOCATED ON THE SOUTH SIDE
LORELEY BEACH ROAD, 6000' EAST
OF PULASKI HIGHWAY
(6027 LORELEY BEACH ROAD)
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 92-127-A

ORDER OF DISMISSAL

This matter comes to the Board on appeal from a decision of the Deputy Zoning Commissioner dated November 14, 1991 which granted the requested Petition. A hearing was scheduled before this Board and held on May 14, 1992. At the conclusion of the above-mentioned hearing, an agreement was reached between Mr. & Mrs. Richard Crone, Appellants/Protestants, and Mr. & Mrs. Richard Romano, Petitioners, and this Board was requested to hold this matter pending final execution of the agreement.

The Board is in receipt of a letter dated September 10, 1992 from Keith R. Truffer, Esquire, Counsel for Petitioners, along with a copy of the executed agreement between the parties in this matter (copies of which are attached hereto and made a part hereof). As part of the above-mentioned agreement, the Appellants have requested that the appeal filed in this matter be dismissed and withdrawn.

THEREFORE, IT IS HEREBY ORDERED this 28th day of September, 1992 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackbert
Chairman
John G. Disney
S. Diane Levero

IN RE: PETITION FOR ZONING VARIANCE
S/S Loreley Beach Road, 6000'
E of Pulaski Highway
(6027 Loreley Beach Road)
15th Election District
5th Councilmanic District
Richard J. Romano, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-127-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the required 35 feet for an existing cottage, and from Section 400.1 of the B.C.Z.R. to permit an existing shed to extend into the side yard in lieu of the required rear yard, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, Richard J. and Deborah A. Romano, appeared, testified and were represented by Keith R. Truffer, Esquire. Appearing as protestants in the matter were Mr. & Mrs. Richard Crone, adjoining property owners.

Testimony indicated that the subject property, known as 6027 Loreley Beach Road, consists of .3472 acres more or less zoned R.C. 2 and is improved with a one-story, 12' x 12' cottage and three accessory out-buildings, including a shed. Said property is located within the Chesapeake Bay Critical Areas on Bird River. Petitioners filed the instant Petition in order to legalize the location of the existing cottage and one of the sheds, a portion of which is located in the side yard. Mr. Romano testified he purchased the subject property from his father-in-law in January 1990 and that all improvements existed on the property at that time. Testimony and evidence presented indicated that the subject cottage

was constructed in the late 1940s approximately one foot from the property line adjoining the Crones' property. Mr. Romano testified that the roof's overhang of the subject cottage actually sits on the property line. He further testified that the subject shed, constructed approximately 20 years ago, is situated on the property approximately one foot into the side yard across from the subject cottage. Mr. Romano testified the variances requested are for existing structures and that no improvements are planned. He testified that to require strict compliance with the zoning regulations would create practical difficulty and unreasonable hardship for him. Testimony indicated that the cottage is old and constructed in such a way that it would be impossible to move the cottage from its present location without causing substantial damage.

Diane Crone appeared and testified in opposition to Petitioners' request. Mrs. Crone is generally opposed to the location of the cottage. She testified that the cottage sits too close to her property line and that Petitioners should be required to abide by the zoning setback requirements.

In light of the fact that the subject property exists within the Chesapeake Bay Critical Areas, Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) must also be examined.

The testimony and evidence presented indicate that the subject cottage and shed have existed on the property in the location shown on Petitioner's Exhibit 1 since prior to the effective date of the Critical Areas regulations. Since no expansion or intensification of their use is planned, the relief requested is not subject to the requirements of said regulations. The written comments submitted by J. James Dieter, Director of the Department of Environmental Protection and Resource Management,

dated October 30, 1991, indicate the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the B.C.Z.R. and should therefore be granted. A copy of said comments have been attached hereto and made a permanent part of the record.

After due consideration of the testimony and evidence presented, it appears the relief requested should be granted. There is no evidence in the record to indicate the granting of the variances requested would result in any detriment to the health, safety or general welfare of the surrounding community.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of November, 1991 that the Petition for Zoning Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the required 35 feet for an existing cottage, and from Section 400.1 of the B.C.Z.R. to permit an existing shed to extend into the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

November 14, 1991

Keith R. Truffer, Esquire
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
S/S Loreley Beach Road, 6000' E of Pulaski Highway
(6027 Loreley Beach Road)
15th Election District - 5th Councilmanic District
Richard J. Romano, et ux - Petitioners
Case No. 92-127-A

Dear Mr. Truffer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Richard Crone
6025 Loreley Beach Road, White Marsh, Md. 21162

Chesapeake Bay Critical Areas Commission
Towson State Office Building, D-4, Annapolis, Md. 21404

DEPRM

People's Counsel

File



Petition for Variance

CRITICAL AREA

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A01.3.B.3 to permit a sideyard setback of 1 foot as to existing cottage in lieu of the required 35 feet, and

**variance from Section 400.1 to permit existing shed to extend into side yard in lieu of rear yard.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reason: (indicate hardship or practical difficulty)
1. Cottage has been in existence for over 40 years and was constructed by prior owners.
 2. Strict compliance with setback requirements would prevent any residential use of the property.
 3. Cottage is built on concrete foundation and cannot be moved without destroying it.
 4. Narrow setbacks exist in virtually all properties in community.

**See attached

1. or we agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Keith R. Truffer, Esq.

(Type or Print Name)

Signature

102 W. Pennsylvania Avenue, Suite 600

Towson, Maryland 21204-4575

City and State

Attorney's Telephone No.: (301) 823-1800

Legal Owner(s):

Richard J. Romano

(Type or Print Name)

Signature

Deborah A. Romano

(Type or Print Name)

Signature

6027 Loreley Beach Road

Address

Baltimore, Maryland 21221

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

OFFICE RECEIVED FOR FILING

Date 11/14/91

By [Signature]

ESTIMATED LENGTH OF HEARING - 1/2 HR. - 1 HR.

AVAILABLE FOR HEARING

MON./TUES. A.M.D. - NEXT TWO MONTHS

ALL OTHERS

REVIEWED BY: DAB DATE 1/13/92

Petition for Variance Continued

CRITICAL AREA

**Petitioner would suffer unnecessary hardship or practical difficulty in that:
(1) shed has been in existence for over twenty years and was constructed by prior owners; (2) shed is affixed to a concrete pad and cannot be moved without destroying the shed; (3) shed extends into side yard by approximately three feet.

PROPERTY DESCRIPTION

BEGINNING for a point on the south side of Loreley Beach Road which is a 30' wide right-of-way at the distance of approximately 6,000' east of the centerline of Pulaski Highway which is 60' wide. Being a lot known as 6027 Loreley Beach Road as recorded among the Land Records of Baltimore County in Liber 7509, folio 736, in the 15th Election District in Baltimore County.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 11/14/91
Posted for: [Signature]
Petitioner: Richard J. Romano, et ux
Location of property: S/S Loreley Beach Rd., approx. 6,000' E of Pulaski Hwy.
Location of Sign: [Signature]
Remarks: [Signature]
Posted by: [Signature] Date of return: 11/15/91
Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 12/21/91
Posted for: [Signature]
Petitioner: Richard J. Romano, et ux
Location of property: S/S Loreley Beach Rd., approx. 6,000' E of Pulaski Hwy.
Location of Sign: [Signature]
Remarks: [Signature]
Posted by: [Signature] Date of return: 1/3/92
Number of Signs: 1

CRITICAL AREA

ITEM 137

CERTIFICATE OF PUBLICATION

Office of
THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, MD 21221

October 10, 19 91

THIS IS TO CERTIFY, that the annexed advertisement of

Richard J. Romano in the matter of Zoning Hearing
6027 Loreley Beach Rd. Case # 92-127-A, P.O. #0115271
Req #N49747. 59.5 lines @.60 or \$35.70

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the proposed rezoning of the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 92-127-A
S/S Loreley Beach Road,
approximately 6000' E of Pulaski Highway
Hearing
6027 Loreley Beach Road
15th Election District - 5th Councilmanic
Councilmanic

Petitioner(s): Richard J. Romano, et ux

at or

HEARING: MONDAY, NOVEMBER 4, 1991 at 9:00 a.m.

Variance to permit a side yard setback of 1 ft. as to existing cottage in lieu of the required 35 ft., and to permit existing shed to extend into side yard in lieu of rear yard.

Lawrence E. Schmidt
Zoning Commissioner
of Baltimore County

was inserted in **The Avenue News** a weekly newspaper published in Baltimore County, Maryland once a week for 1 successive week(s) before the 11 day of October 19 91; that is to say, the same was inserted in the issues of October 10 19 91.

The Avenue Inc.
per publisher

By *Donna Caldwell*

CERTIFICATE OF PUBLICATION

TOWSON, MD., 19

THIS IS TO CERTIFY, that the annexed advertisement was published in **THE JEFFERSONIAN**, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 19

THE JEFFERSONIAN,

S. Zate Olson
Publisher

\$ 37.52

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: 9/13/91

Account: R 001-6150

Number: H9200127

PUBLIC HEARING FEES: CITY: PRICE: \$35.00

QTY: 1

TOTAL: \$35.00

LAST NAME OF OWNER: ROMANO

Please Make Check Payable To: Baltimore County \$35.00

BA C002150PMD9-11-91

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date:

Account: R 001 6150

Number:

Please Make Check Payable To: Baltimore County \$1,000.00

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 10-18-91

COPY

Richard and Debra Romano
6027 Loreley Beach Road
Baltimore, Maryland 21221

RE:
CASE NUMBER: 92-127-A
S/S Loreley Beach Road, approximately 6000' E of Pulaski Highway
6027 Loreley Beach Road
15th Election District - 5th Councilmanic
Petitioner(s): Richard J. Romano, et ux
HEARING: MONDAY, NOVEMBER 4, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 98.22 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 118, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Lawrence E. Schmidt
Lawrence E. Schmidt
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Keith R. Truffer, Esq. ✓

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

SEPTEMBER 26, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-127-A
S/S Loreley Beach Road, approximately 6000' E of Pulaski Highway
6027 Loreley Beach Road
15th Election District - 5th Councilmanic
Petitioner(s): Richard J. Romano, et ux
HEARING: MONDAY, NOVEMBER 4, 1991 at 9:00 a.m.

Variance to permit a side yard setback of 1 ft. as to existing cottage in lieu of the required 35 ft., and to permit existing shed to extend into side yard in lieu of rear yard.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
of Baltimore County

cc: Richard J. Romano, et ux
Keith R. Truffer, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 23, 1991

Keith R. Truffer, Esquire
102 E. Pennsylvania Avenue, Suite 600
Towson, MD 21204-4575

RE: Item No. 127, Case No. 92-127-A
Petitioner: Richard J. Romano, et ux
Petition for Variance

Dear Mr. Truffer:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments submitted with the petition are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 23, 1991

Page 2

Zoning Plans Advisory Committee Comments
Date: October 23, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Richard J. Romano
6027 Loreley Beach Road
Baltimore, MD 21221

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 13th day of September, 1991.

Arnold Jablan
ARNOLD JABLAN
DIRECTOR

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Richard J. Romano, et ux
Attorney: Keith R. Truffer

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: September 27, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Romano Property, Item No. 127
Cochran Property, Item No. 129
Panageotou Property, Item No. 130
Cernak Property, Item No. 135
Noravian Property, Item No. 137
Frantz Property, Item No. 138
Sedlak Property, Item No. 140
Smoot Property, Item No. 141

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEMS127/TXTROZ

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 18, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 1, 1991

This office has no comments for item numbers 127, 129, 130, 131, 132, 133, 134, 135, 138, 139, 140 and 141.

Rahee J. Famill
Rahee J. Famill
Traffic Engineer II

RJP/lvd

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

OCTOBER 1, 1991

(301) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RICHARD J. ROMANO

Location: #6027 LORELEY BEACH ROAD

Item No.: 127 Zoning Agenda: OCTOBER 1, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved *[Signature]*
Planning & Zoning Fire Prevention Bureau
Special Inspection Division

JP/REK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: September 27, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
For October 1, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 127, 129, 130, 131, 132, 133, 135, 137, 138, 139, 140 and 141.

For Item 134, this subdivision is okay, with no comments needed.

For Item 136, the comments are reserved until the County Review Group plan is submitted. However, sideyard setback dimensions may change as a result of the County Review Group comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

APPEAL

Petition for Zoning Variance
S/S Loreley Beach Road, 6000' E of Pulaski Highway
(6027 Loreley Beach Road)
15th Election District - 5th Councilmanic District
RICHARD J. ROMANO, ET UX - Petitioner
Case No. 92-127-A

Petition(s) for Zoning Variance
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel (None submitted)
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments (Included with ZAC Comments)
Petitioner's and Protestant's Sign-In Sheets
Petitioner's Exhibits: 1. Plat to accompany petition
2. & 3. - Photographs in clear sheets
4. Package of receipts for materials
5. Drawing of "Mt. Ararat Shores"
Unmarked Exhibits: Photographs (on sheet and in envelope)
Deputy Zoning Commissioner's Order dated November 14, 1991 (Granted)
Notice of Appeal received December 12, 1991 from Richard Crone, Protestant

cc: Richard and Deborah Romano
6027 Loreley Beach Road, White Marsh, MD 21162
Keith R. Truffer, Esquire
102 W. Pennsylvania Avenue, Suite 600, Towson, MD 21204-4575
Mr. & Mrs. Richard Crone
6025 Loreley Beach Road, White Marsh, MD 21162
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy W. Kotzco, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
DATE: October 30, 1991

FROM: J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 127
Romano Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 6027 Loreley Beach Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Richard J. and Debra A. Romano

APPLICANT PROPOSAL

The applicant has requested a variance from section 1A01.3.B.3 and 400.1 of the Baltimore County Zoning Regulations to permit a sideyard setback of one foot as to existing cottage in lieu of the required 35 feet, and to permit existing shed to extend into side yard in lieu of rear yard, respectively.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.02>

Memo to Mr. Arnold Jablon
October 30, 1991
Page 2

DEFINITIONS

COMAR 14.15.01.07 Grandfathering. After program approval, local jurisdictions shall permit the continuation, but not necessarily the intensification or expansion, of any use in existence on the date of program approval, unless the use has been abandoned for more than one year or is otherwise restricted by existing local ordinances.

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

Finding: This property is located adjacent to the tidal waters of Bird River. The existing cottage is located approximately 29 feet from the mean high water line. The applicant states that the cottage has been in existence for over 40 years and that the shed has been in existence for over 20 years. No new development is proposed in conjunction with this variance request. Therefore, no disturbance of the property shall take place and all structures, if existing at the time of program approval and if not restricted by other local ordinances, are grandfathered and shall be allowed to remain.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

J. James Dieter
J. James Dieter, Director

JJD:DCP:ju

cc: Mr. & Mrs. Richard Romano

ROMANO/TXTNNS

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 17, 1991

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
S/S Loreley Beach Road
(6027 Loreley Beach Road)
15th Election District, 5th Councilmanic District
RICHARD J. ROMANO, ET UX - Petitioner
Case No. 92-127-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on December 12, 1991 by Richard Crone, Protestant. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:car

Enclosures

cc: Richard and Deborah Romano
6027 Loreley Beach Road, White Marsh, MD 21162

Keith R. Truffer, Esquire
102 W. Pennsylvania Avenue, Suite 600, Towson, MD 21204-4575

Mr. & Mrs. Richard Crone
6025 Loreley Beach Road, White Marsh, MD 21162

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, MD 21204

ROYSTON, MUELLER, McLEAN & REID ATTORNEYS AT LAW

R. TAYLOR McLEAN
RICHARD A. REID
E. HARRISON STONE
C. S. KUNDELHOFFER III
THOMAS F. MCDONOUGH
EUGENE W. CUNNINGHAM JR.
LAUREL PARETTA EVANS
KEITH R. TRUFFER
ROBERT S. HANDZO
EDWARD J. GILLES
C. LARRY HOFMEISTER, JR.

SUITE 600
THE ROYSTON BUILDING
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
L401 823-2800
TELECOPIER FAX 1409 828-7859

JOHN W. BROWNING
JULIA O'HARA BEEK
OF COUNSEL
H. ANTHONY MUELLER
CARROLL W. ROYSTON
(L401 800)

August 4, 1992

Mr. and Mrs. Richard Crone
6025 Loreley Beach Road
White Marsh, Maryland 21162

Re: 6027 Loreley Beach Road

Dear Mr. and Mrs. Crone:

I follow up on the Hearing held on May 14, 1992, and subsequent telephone conversations with Mr. Crone, concerning your appeal of the Romanos' zoning variance. I have set out below what I believe fairly states the understanding between Mr. and Mrs. Crone and Mr. and Mrs. Romano reached following the Hearing, as amended in our telephone conversations.

- Mr. and Mrs. Crone may move their screenhouse to a point no closer than 2 1/2 feet within the Romanos' surveyed property line. By November 15, 1992, Mr. and Mrs. Crone will move the screenhouse to a point on the Crones' property where the front of the screenhouse does not extend beyond the rear of the cottage.
- Mr. and Mrs. Crone may enter on the Romanos' property, as necessary for the purpose of maintaining their screenhouse. Mr. and Mrs. Crone, and anyone acting on their behalf, agree to waive any right to file a lawsuit against, or claim damages from, Mr. and Mrs. Romano for any injuries which occur as a result of this maintenance activity.
- Mr. and Mrs. Romano may enter on the Crones' property, as necessary for the purpose of maintaining their screenhouse. Mr. and Mrs. Romano, and anyone acting on their behalf, agree to waive any right to file a lawsuit against, or claim damages from, Mr. and Mrs. Crone for any injuries which occur as a result of this maintenance activity.

ROYSTON, MUELLER, McLEAN & REID ATTORNEYS AT LAW

R. TAYLOR McLEAN
RICHARD A. REID
E. HARRISON STONE
C. S. KUNDELHOFFER III
THOMAS F. MCDONOUGH
EUGENE W. CUNNINGHAM JR.
LAUREL PARETTA EVANS
KEITH R. TRUFFER
ROBERT S. HANDZO
EDWARD J. GILLES

SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
L401 823-2800
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C. LARRY HOFMEISTER, JR.
TRACY E. SKENNER
JOHN W. BROWNING
STEPHEN J. KARINA
JULIA O'HARA BEEK
OF COUNSEL
CARROLL W. ROYSTON
H. ANTHONY MUELLER

November 5, 1991

Timothy M. Kotroco, Esq.
Deputy Zoning Commissioner for
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 92-127-A
S/S Loreley Beach Road, approximately 6000' E of
Pulaski Highway
6027 Loreley Beach Road
15th Election District - 5th Councilmanic
Petitioner(s): Richard J. Romano, et ux.

Dear Mr. Kotroco:

I follow up on evidence presented to you during the hearing of this Variance Petition on Monday, November 4, 1991. You may recall that one of the issues raised by the Protestants, Mr. and Mrs. Crone, related to the proximity of the Romanos' cottage to the Crones' screen house. Reference was made to the Board of Appeals' Opinion which required the Crones to relocate that screen house.

So that the record is complete, I enclose a copy of the original Opinion and Order of the County Board of Appeals of Baltimore County dated December 5, 1990, and a revised Opinion dated January 2, 1991. As you can see from page 2 of the revised Order, the Crones' Petition for Variance was granted on the condition that the screen house be "relocated on the southwest side of Petitioner's property, 2.5 feet from the property line." To the extent the screen house is an issue, I suggest that the Crones' perceived impact of a grant of this Variance request is a condition of their own making.

I thank you for your consideration in this matter.

Sincerely,

RECEIVED
NOV 6 1991

Keith R. Truffer

KRT/cjf
36425
Enclosure

cc: Mr. and Mrs. Richard J. Romano
Mr. and Mrs. Richard Crone

COPY

ROYSTON, MUELLER, McLEAN & REID
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
TELEPHONE: (410) 823-2800
FAX: (410) 828-7859

September 18, 1992

BY HAND DELIVERY

William J. Hackett, Chairman
Baltimore County Board of Appeals
Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 92-127-A

Dear Mr. Hackett:

I enclose a photocopy of an executed agreement between the appellants in this matter, Mr. and Mrs. Crone, and my clients, Mr. and Mrs. Romano. You may recall that an agreement was reached at the conclusion of the hearing held on this matter on May 14, 1992, prior to a decision by the Board of Appeals. As part of the agreement, Mr. and Mrs. Crone have agreed to dismiss their appeal.

I thank you for your cooperation in this matter.

Sincerely,

15/
Keith R. Truffer

KRT/cjf
36425
Enclosure

cc: Mr. and Mrs. Richard J. Romano, w/enclosure
Mr. and Mrs. Richard N. Crone, w/enclosure
Mr. Gary Freund, w/o enclosure
Baltimore County Office of Planning & Zoning
Zoning Enforcement Section

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Walter Crone	6025 Loreley Beach Rd White Marsh, MD
Richard Crone	6025 Loreley Beach Rd White Marsh, MD

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Richard J. Romano	2406 Reckord Rd
Debra A. Romano	" " "

TO: Mr. Richard Romano 2406 Reckord Road Fallston, MD 21047		INVOICE No. 9049 This bill is rendered only as an accommodation. TERMS ARE NET CASH AND PAYABLE ON PRESENTATION YOUR ORDER No. MC-1110	
For Labor and Services Furnished on 6027 Loreley Beach Rd.			
Electrical Material (See attached material list)		\$ 350.48	

TOPS FORM 3733 LITHO IN U.S.A.

PETITIONER'S
EXHIBIT 4

PETITIONER'S EXHIBIT 5

CITY OF BALTIMORE									
DEPT. DIRECTOR EPT. OF PUBLIC WORKS		DATE 11/18/92		CHIEF, WATER DIV. BUREAU OF ENGINEERING		DATE 11/18/92		CONTRACT NO. 5567	
RIGHT OF WAY RW 79-244		REF.		ROAD PERMIT AND GRADES		P. W. F. DIR. NO.		CONTRACT NO.	
PERMIT REQUESTED		PERMIT NUMBER		GRADE ESTABLISHED		PROFILE NUMBER		REVISED AS PER RECORD PRINT	
RW 79-244		5567		7-10-79		77-0292 (B-2)		32577	
REVIEWED		JIT		JAM		JFL		SAB	
HIGHWAYS		STRUCTURES		STORM DRAINAGE		WATER		SEWER	
BUREAU OF ENGINEERING		DEPT. OF PUBLIC WORKS		LEVEL BK.		KEY SHEET		SCALE	
APPROVED		DETAIL BK.		POSITION SHEET		PLAN		1"=50'	

"Mt. Ararat Shores"
Unrecorded - YELLET to ASHERMAN
Liber W.R.C. #274 Folio 54

12-12-91
Appeal for Zoning Variance
6027 Loreley Beach Rd
15 Election District - 5th Councilmanic District
Richard J. Romano et Petitioners
92-127-A

Thank You
Richard Crone
6025 Loreley Beach Rd
White Marsh, MD 21162
1-33-8225

12-12-91 - Cn

Pet. Ex. 4

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
DATE: October 30, 1991
FROM: J. James Dieter, Director
SUBJECT: Petition for Zoning Variance - Item 127
Romano Property
Chesapeake Bay Critical Area Findings

SITE LOCATION
The subject property is located at 6027 Loreley Beach Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Richard J. and Debra A. Romano

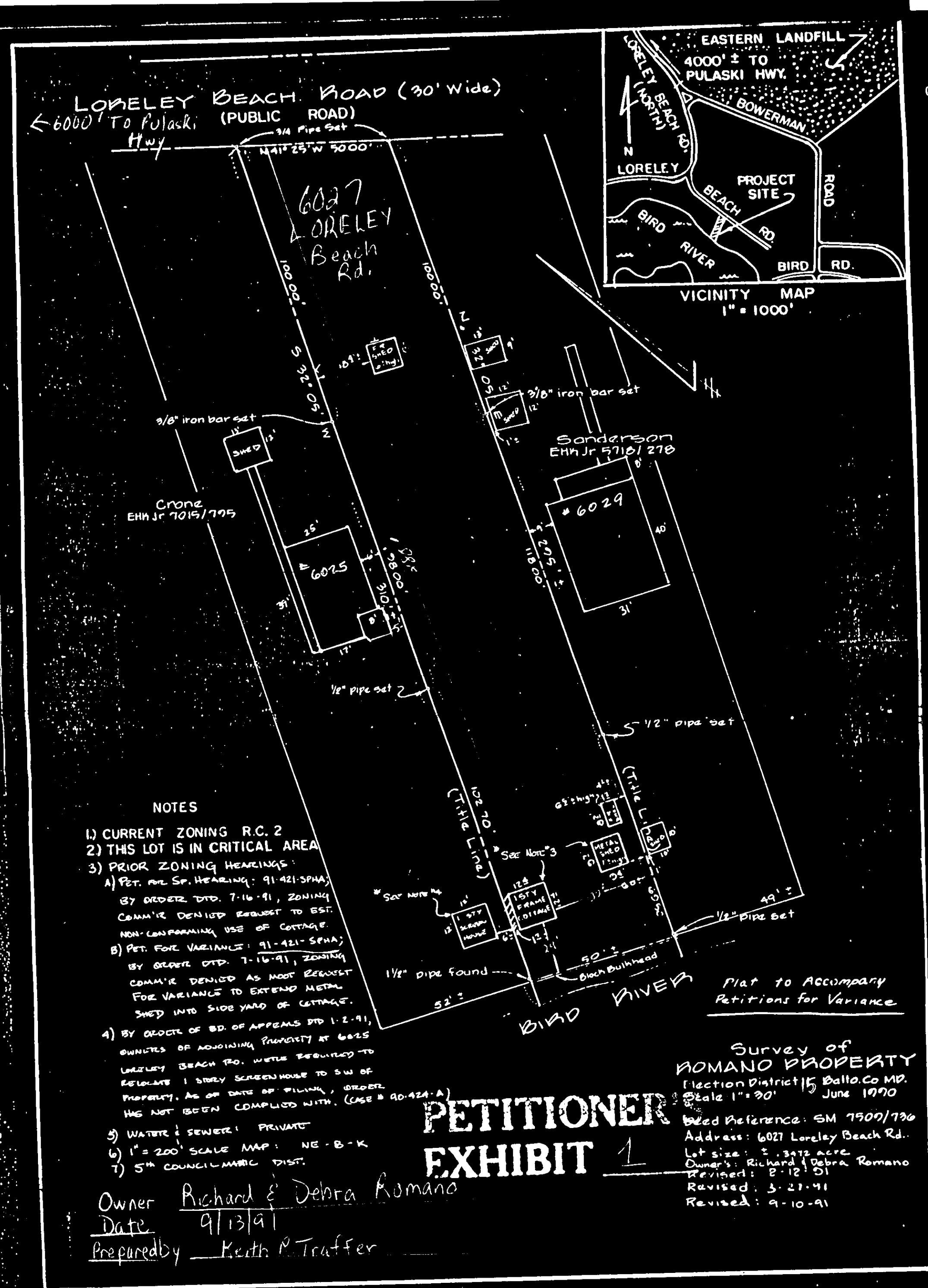
APPLICANT PROPOSAL

The applicant has requested a variance from section 1A01.3.B.3 and 400.1 of the Baltimore County Zoning Regulations to permit a sideyard setback of one foot as to existing cottage in lieu of the required 35 feet, and to permit existing shed to extend into side yard in lieu of rear yard, respectively.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." (COMAR 14.15.10.01.0)



PETITIONER EXHIBIT 1

92-127-A

DATE ITEM 127

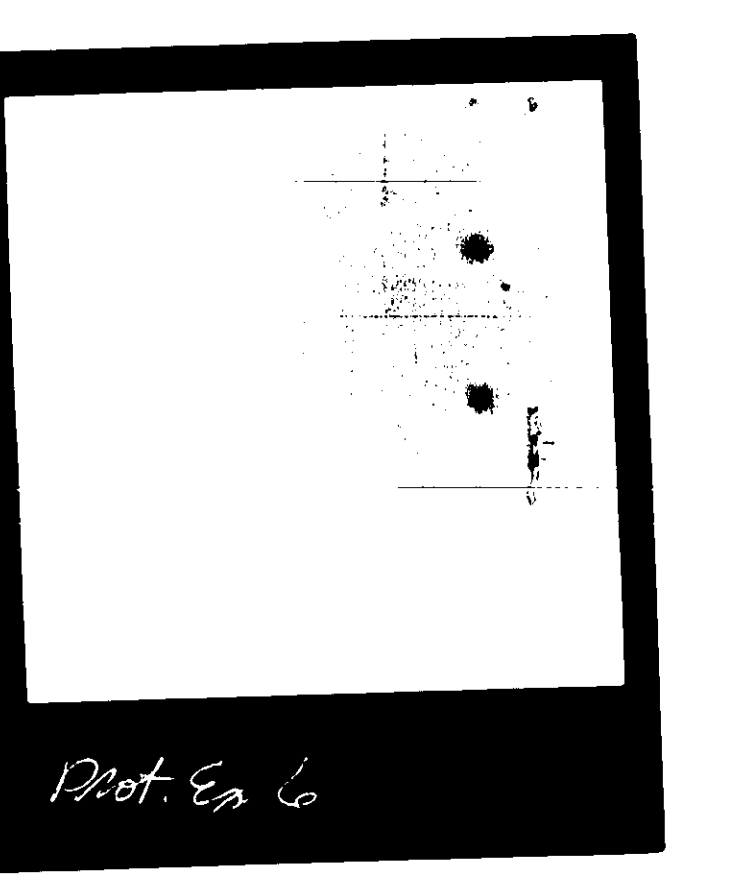
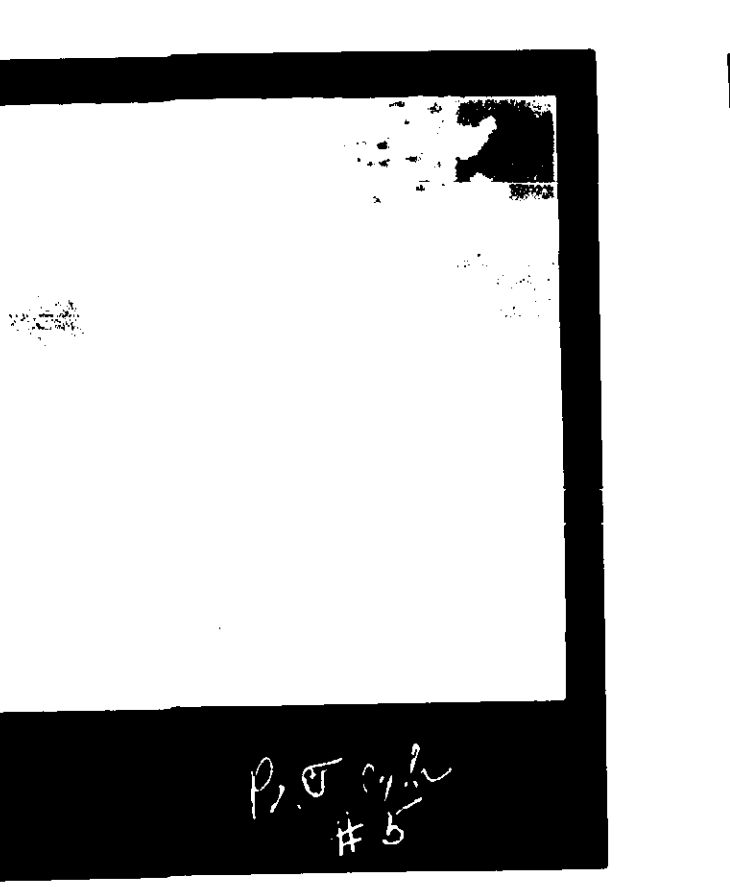
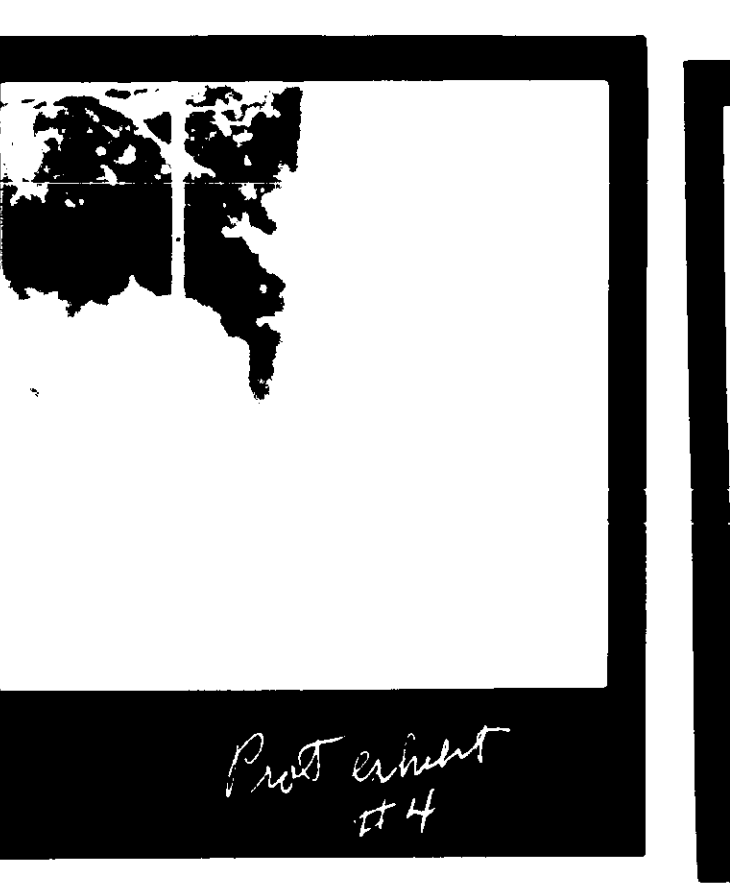
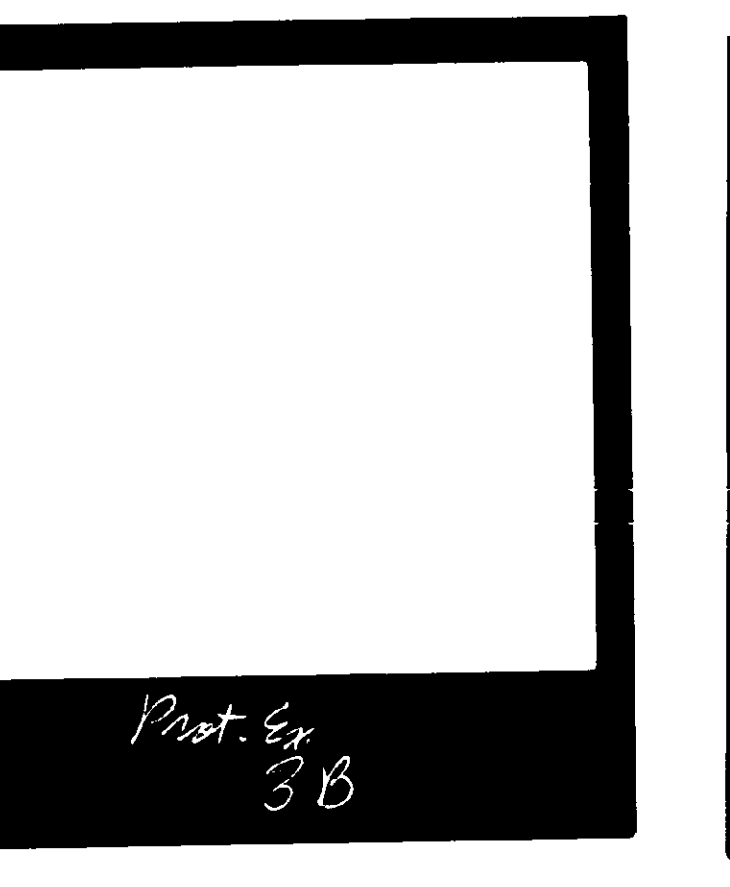
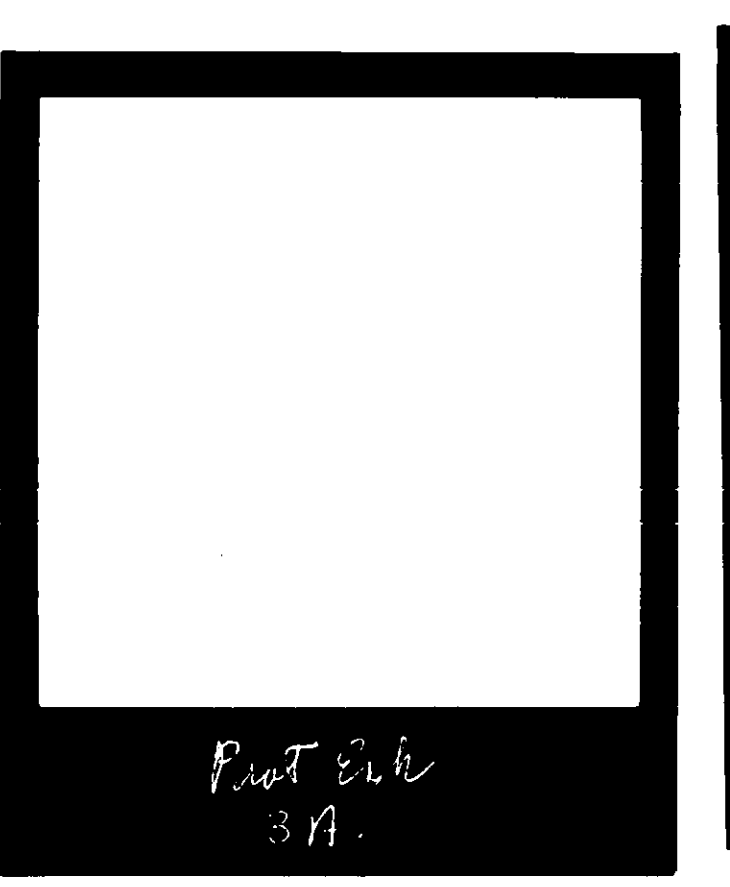
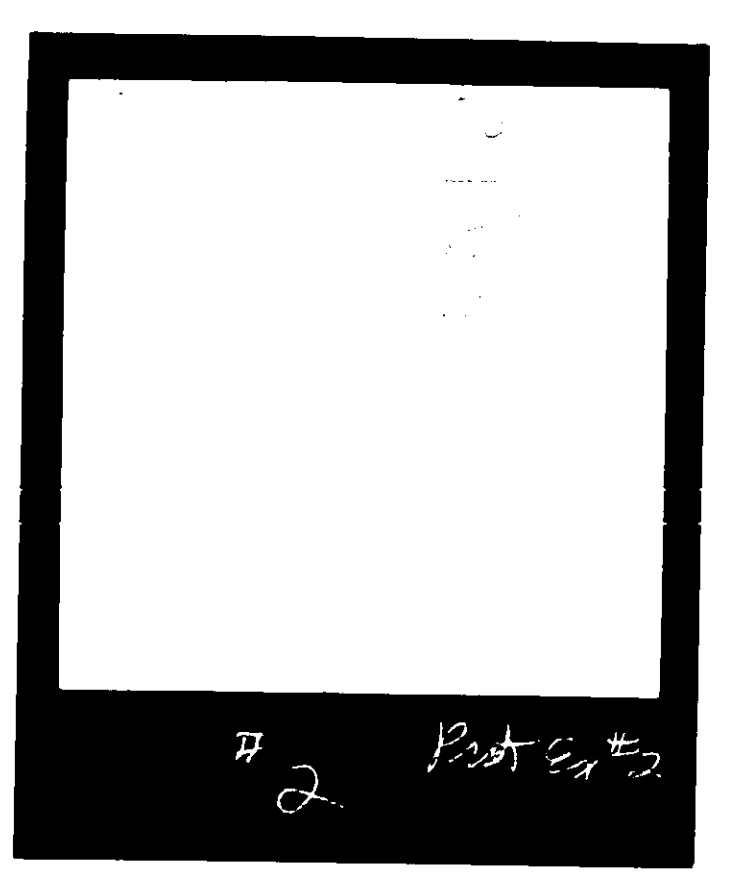
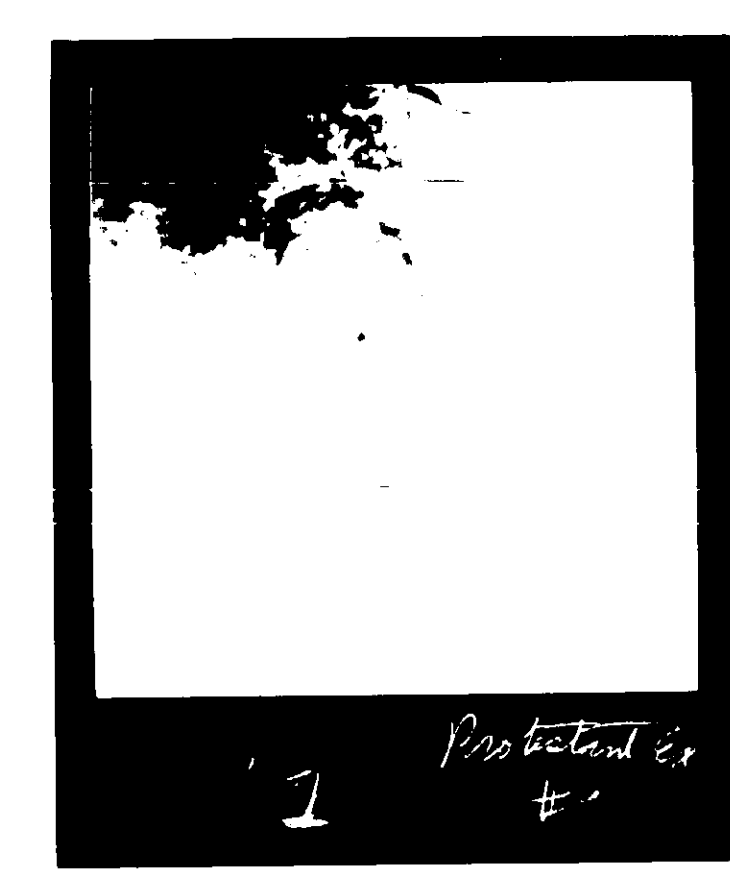
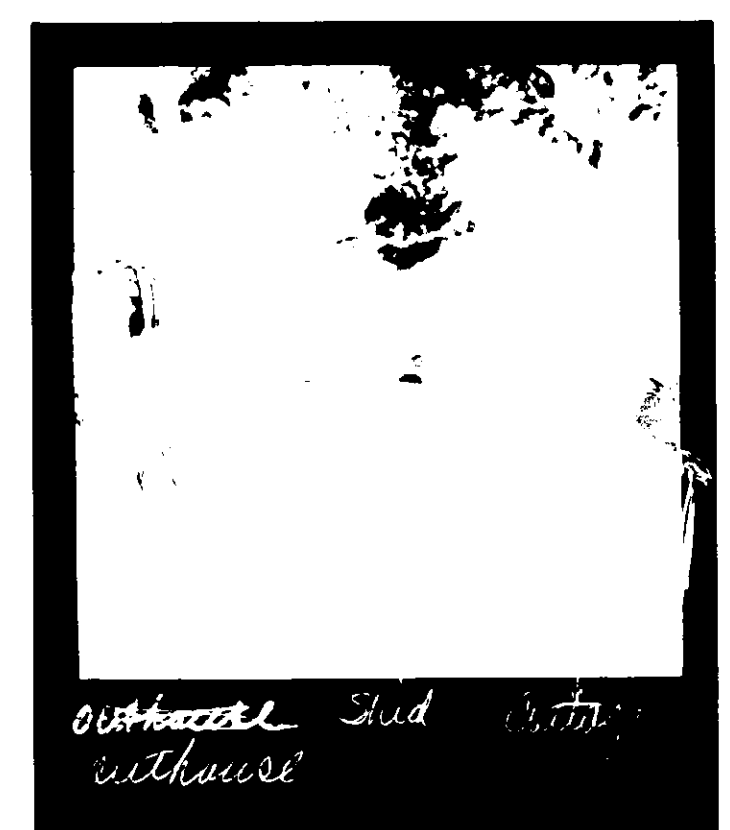
CRITICAL AREA

CASE NUMBER: **92-127-A**

PETITIONER'S EXHIBIT #

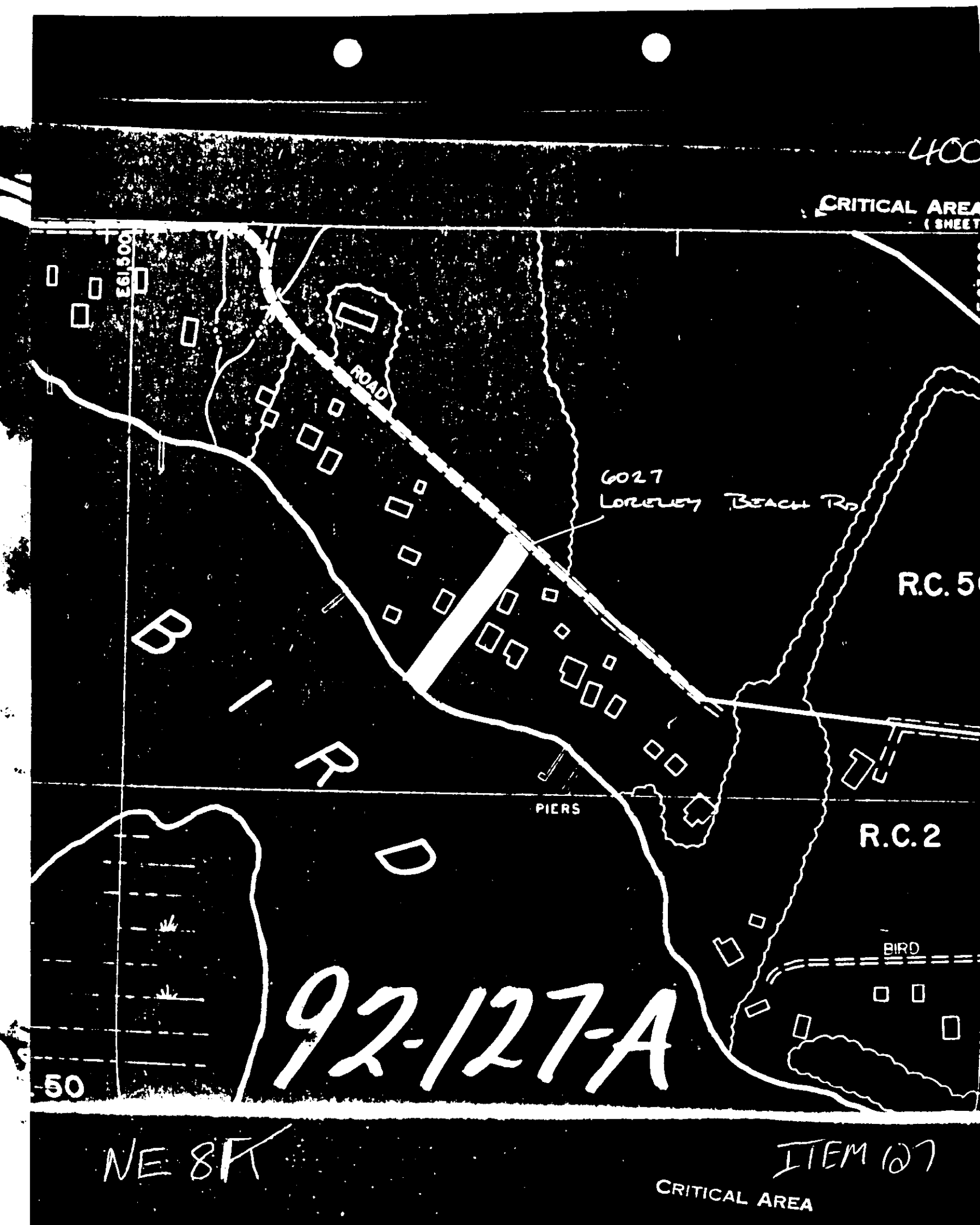
6027 Loreley Beach Road
cottage & shed taken from road

6027 Loreley Beach Road
cottage & shed taken from water side



ITEM 107

92-127A



ITEM 107

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
BIRD RIVER
VICINITY

SHEET
NE
8-K